

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Huilong Zhu, et al.	Date: August 16, 2007
Serial Number: 10/711,182	Examiner: Daniel B. Whalen
Filed: 08/31/2004	Group Art Unit: 2809 Confirmation No. 5181
Title: Structure and Method of Making Double Gated Self-Aligned FINFET Having Gates of Different Lengths	IBM Corporation D/18G, B/321, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated August 03, 2007.

The Examiner in the aforementioned Office Action has required restriction under 35 U.S.C. 121, stating that the claims belong to:

GROUP I, Claims 1-18, drawn to a device, and

GROUP II, Claims 19-22, drawn to a method of making a device.

Applicants traverse the aforementioned Restriction Requirement for the following reason:

Applicants submit that the claims as filed includes the process of fabricating a FET device. **The Restriction Requirement justifies the restriction by vaguely stating**

that "the process as claimed can be used to make other and materially different products", but fails to list any such "other and materially different products". Thus, Applicants deem that both Groups I and II are one and the same, and they do not fit the criteria for restriction. Accordingly, it is believed that the restriction requirement should be withdrawn.

Notwithstanding the foregoing arguments, Applicants elect to prosecute the invention of GROUP I, consisting of Claims 1-18, drawn to the device, and withdraw from consideration the claims forming GROUP II, as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Respectfully submitted,

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